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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,147	11/25/2000	Paul Lapstun	NPS018US	4018
24011	7590	09/09/2004	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			KAO, CHIH CHENG G	
		ART UNIT	PAPER NUMBER	
			2882	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/722,147	LAPSTUN ET AL.
Examiner	Art Unit	
Chih-Cheng Glen Kao	2882	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 29 June 2004 and 27 May 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 14-16 and 19-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 14-16 and 19-25 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 25 November 2000 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 14-16 and 19-25 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and lack of antecedent basis problems.

In the following format (location of objection, suggestion for correction), the following suggestions may obviate their respective objections: (claim 14, line 14, “the user”; replacing “the” with - -a- -), (claim 14, line 16, “the viewing device”; deleting “viewing” and inserting - - for interacting- - after “device”), (claim 14, line 17, “the viewing device”; deleting “viewing” and inserting - -for interacting- - after “device”), (claim 15, line 1, “A device”; inserting - -for interacting- - after “device”), (claim 15, line 3, “viewing device”; deleting “viewing” and inserting - -for interacting- - after “device”), (claim 16, line 1, “A d vice”; replacing “d vice” with - -device for interacting- -), (claim 19, line 1, “A device”; inserting - -for interacting- - after “device”), (claim 20, line 1, “A device”; inserting - -for interacting- - after “device”), (claim 21, line 1, “A device”; inserting - -for interacting- - after “device”), (claim 22, line 1, “A device”; inserting - -for interacting- - after “device”), (claim 22, line 2, “touch sensitive”; inserting a hyphen between “touch” and “sensitive”), (claim 23, line 1, “A device”; inserting - -for interacting- - after “device”), (claim 24, line 1, “A device”; inserting - -for interacting- - after “device”), and (claim 25, line 1, “A device”; inserting - -for interacting- - after “device”).

For purposes of examination, the claims have been treated as such. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14, 16, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al. (US Patent 6152369) in view of Tsutsumoto et al. (JP 05-040841).

3. With regards to claim 14, Wilz, Sr. et al. discloses a device (Fig. 3 and 15, #28) including at least one sensor (Fig. 3, #20) for sensing coded data on a substrate (Fig. 3, #8) and generating first data based at least partly on the coded data (Fig. 1B1), a transmitter (Fig. 3, #31) for transmitting data based on first data to a computer (Fig. 3, #2), a receiver (Fig. 3, #31) for receiving display data from the computer (Fig. 3, #2), a display for outputting visual information based on display data (Fig. 3, #28) corresponding to at least part of a human discernable interface (Abstract, lines 1-3), and a user interface and control means based at least partially on user input to thereby allow a user to interact with the human discernable interface (Fig. 3, #28 and 29), wherein the viewing device is arranged so that the sensor senses data when the viewing device is positioned, in use, at least partly overlapping the substrate (Fig. 3).

However, Wilz, Sr. et al. does not disclose a printer mechanism for printing on a substrate.

Tsutsumoto et al. teaches a printer mechanism for printing on a substrate (Abstract, Constitution).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Wilz, Sr. et al. with the printer of Tsutsumoto et al., since one would be motivated to incorporate a printer to provide a way of indicating the status of an article as implied from Tsutsumoto et al. (Abstract, Purpose).

4. With regards to claim 16, Wilz, Sr. et al. in view of Tsutsumoto et al. suggest a device as recited above.

However, Wilz, Sr. et al. does not disclose printed data corresponding partly with the display data or visual information.

Tsutsumoto et al. further teaches printed data corresponding partly with the data (Paragraph 003).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the device of Wilz, Sr. et al. with the printed data corresponding partly with data of Tsutsumoto et al., since one would be motivated to incorporate this to check the status of an item as implied from Tsutsumoto et al. (Paragraph 003).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the suggested device of Wilz, Sr. et al. in view of Tsutsumoto et al. with printed data corresponding partly with display data, since one would be motivated to have the user be aware of the status of an item as implied from Tsutsumoto et al. (Paragraph 003). For example, if the status of an item is completed, a decoded signal may send a signal to a remote central computer system, which collects data from all scanners, and then sends a signal back to the scanner to tell the user of the status of the item for stamping or not stamping.

5. With regards to claim 19, Wilz, Sr. et al. further discloses a touch-sensitive overlay (Fig. 3, #29).

6. With regards to claims 20 and 21, recitations with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

7. With regards to claim 22, Wilz, Sr. et al. in view of Tsutsumoto et al. suggest a device as recited above. Wilz, Sr. et al. further discloses user input uploaded to a computer for downloading data based on uploaded data (col. 18, lines 40-44).

However, Wilz, Sr. et al. does not disclose computer data for printing on the substrate.

Tsutsumoto et al. further teaches computer data for printing on the substrate (Fig. 1(a), #5).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the device of Wilz, Sr. et al. with the computer data for printing on the substrate of Tsutsumoto et al., since one would be motivated to incorporate this to provide a means for showing the status of an article as implied from Tsutsumoto et al. (Abstract, Purpose).

8. Claims 15 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al. in view of Tsutsumoto et al. as applied to claim 14 above, and further in view of Danielson et al. (US Patent 6138915).

9. Regarding claim 15, Wilz, Sr. et al. in view of Tsutsumoto et al. suggest a device as recited above.

However, Wilz, Sr. et al. does not disclose a display at least partly overlapping the sensor, such that the sensor is positioned between the display and coded data when the viewing device is in use.

Danielson et al. further discloses the display at least partly overlapping the sensor, such that the sensor is positioned between the display and coded data when the viewing device is in use (Figs. 23 and 36).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the suggested device of Wilz, Sr. et al. in view of Tsutsumoto et al. with the display, sensor, and data of Danielson et al., since one would be motivated to have this configuration to easily hold a device as implied from Danielson et al. (Figs. 23 and 36). Furthermore, rearranging parts of an invention involves only routine skill in the art. Such a rearrangement would have been an obvious modification.

10. With regards to claims 23 and 25, Wilz, Sr. et al. further discloses visual information representing an electronic document corresponding to a human discernable interface on the substrate visible to an average unaided eye (Fig. 3).

11. With regards to claim 24, Wilz, Sr. et al. further discloses visual information at least replicating some of the human discernable interface (Fig. 3 and 4).

***Response to Arguments***

12. Applicant's arguments filed 5/27/04 have been fully considered but they are not persuasive.

Regarding Wilz, Sr. et al., Wilz, Sr. et al. does disclose visual information corresponding to at least a part of a human discernible interface (Abstract, lines 1-3). Furthermore, Wilz, Sr. et al. discloses a user interface and control means based at least partially on user input to thereby allow a user to interact with a part of a human discernable interface (Fig. 3, #28 and 29).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gk  
EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER